

THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES
December 5, 2011

A meeting of the Board of Examiners of Psychology was held on December 5, 2011 at the Office of Occupations and Professions in Frankfort, KY.

MEMBERS PRESENT

Thomas W. Miller, Ph.D., Chair
Barbara K. Jefferson, Ph.D., Vice-Chair
Sally Brenzel, Psy.D.
William G. Elder, Ph.D.
Melissa Hall, M.S.
Eva Markham, Ph.D.
Danette Morton-Page, M.A.
Owen Nichols, Psy.D.

OCCUPATIONS & PROFESSIONS STAFF

Julie Jackson, Board Administrator
Jeremy Horton, Deputy Executive Director

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General

MEMBERS ABSENT

Paula Glasford

A meeting of the Kentucky Board of Examiners of Psychology, Complaint Committee, was called to order at 10:00 a.m., Monday, December 5, 2011 at the Office of Occupations and Professions in Frankfort, KY.

A motion was made by Dr. Markham to go into closed session per KRS 61.810 (1)(c) and (j), seconded by Ms. Hall. A motion was made by Dr. Markham to come out of closed session, seconded by Ms. Hall. The committee meeting adjourned at 10:00 a.m.

CALL TO ORDER

Dr. Miller, Ph.D., Chair, called the meeting to order at 10:10 a.m. on December 5, 2011.

MINUTES

The minutes of the November 10, 2011 meeting were called to the attention of the Board. A motion was made by Dr. Elder to approve the minutes as amended. The motion, seconded by Dr. Markham, carried.

MONTHLY FINANCIAL REPORT & LEGAL FEES

Financial statement for the month ending November, 2011 and legal fees for October 2011 were presented to the Board. A motion was made by Dr. Markham to accept the financial statement and legal fees. The motion, seconded by Ms. Morton-Page, carried.

O & P REPORT

Mr. Horton presented the Board with a new Memorandum of Agreement, as recommended by the Auditor of Public Accounts, which will be in effect until June 30, 2012. Starting in Fiscal year 2013 through Fiscal Year 2014 (July 1, 2012 – June 30, 2014), MOAs will be two year agreements to coincide with the biennium budget process. LaTasha Buckner, Deputy Executive Director, Office of Legal Services, Public Protection Cabinet, answered questions and provided further explanation of the MOA. A motion was made by Dr. Markham to accept the MOA as presented. The motion, seconded by Dr. Jefferson, carried. The Board voted with five (5) in favor, one (1) opposed, and one (1) abstained.

Mr. Horton discussed a memo from Ms. Tivitt regarding the need for some changes to the process used to reimburse board members for travel expenses. Mr. Horton advised that employees from the fiscal office would join the meeting before adjournment to instruct board members of the correct way to complete travel vouchers and advise of how to submit vouchers and receipts.

LEGAL MATTERS

The Complaints Screening Committee made a motion to go into closed session to discuss *Maggard v. Kentucky Board of Examiners of Psychology*, Franklin Circuit Court per KRS 61:810 (1) (c) and (j). The motion, seconded by Ms. Hall, carried.

A motion was made by Ms. Markham to return to open session. The motion, seconded by Ms. Glasford, carried.

COMPLAINTS SCREENING COMMITTEE

- Case 00-05 – The case is pending in the Franklin Circuit Court with ongoing, civil discovery. No action was taken by the Board.
- Case 03-12 and 06-05 – A prehearing conference is scheduled for December 19, 2011.
- Case 10-19 – Ongoing.
- Case 10-30 – Ongoing.
- Case 11-03 A & B – Ongoing.
- Case 11-04 – Ongoing.
- Case 11-07 – Ongoing.
- Case 11-08 – The Board voted to send an Order commanding a response. Mr. Brengelman will draft the Order and forward to Ms. Jackson for mailing.
- Case 11-09 – The Complaints Screening Committee made a motion to issue a Private Admonishment. The motion was seconded by Dr. Jefferson. The Board voted with four (4) opposed, the motion failed. A second motion was made by Dr. Nichols to file a Notice of Administrative Hearing and Order. The motion, seconded by Dr. Markham, carried. The Board voted with all in favor.
- Case 11-13 – Dr. Markham recused herself from the discussion and left the room.
- The Complaints Screening Committee made a motion to dismiss the case. The motion, seconded by Dr. Elder, carried. The Board voted with all in favor.
- Case 11-14 – Ongoing.
- Case 11-15 – Ongoing.
- Case 11-16 – The Complaints Screening Committee made a motion to investigate the case. The motion, seconded by Dr. Elder, carried. Dr. Paula Berry will serve as investigator. Ms. Morton-Page will serve as Case Manager.
- Case 11-18 – Ongoing.
- Case 11-19 – Ongoing.
- Case 11-21 – The Complaints Screening Committee made a motion to initiate a complaint. The motion, seconded by Dr. Nichols, carried. The Board voted with all in favor.

The members of the Complaints Screening Committee recused from voting on the above recommendations of the Committee.

COMMITTEE REPORTS

Supervision Committee – Dr. Elder made a motion to add a statement to the Supervisory Report form requesting notation of direct observation. The motion, seconded by Dr. Nichols, carried. The Board voted with all in favor. Dr. Nichols discussed a licensee with a history of substance abuse who did not disclose the full facts of a medical leave, instead stating that the leave was due to pain. A motion was made by Dr. Nichols to file a Board initiated complaint for failure to fully disclose the reason for the medical leave. The motion, seconded by Dr. Markham, carried. The Board voted with two (2) abstaining.

Continuing Education Committee – Dr. Miller discussed CEU applications received from Heisel and Associates. A request for further information will be sent to Mr. Heisel.

Credentials Review Committee – A discussion was held regarding the application of Linda Ringleka. Ms. Ringleka was in attendance and advised that she is not qualified for licensure at this time. Dr. Brenzel discussed an applicant that may be practicing without a license. A motion was made by Dr. Brenzel to file a Board initiated complaint. The motion, seconded by Dr. Markham, carried. The Board voted with all in favor. Dr. Brenzel discussed a temporary licensee whose temporary license expired on September 16, 2011. A motion was made by Dr. Brenzel to file a Board initiated complaint against the licensee. The motion was seconded by Dr. Markham. The Board voted with one (1) in favor and one (1) abstained. The Board re-voted with two (2) in favor and four (4) opposed. The motion failed. Dr. Brenzel made a motion to request the supervisory report from March 13, 2011 through September 16, 2011 and clarification of employment after September 16, 2011.

Examination Committee – The next exam will be held on December 16, 2011.

Disciplined Psychologists Reports – Dr. Elder discussed a meeting that he will attend regarding the supervision of Dr. James Cooksey on December 19, 2011 and a meeting on December 8, 2011 regarding the supervision of Dr. Stuart Palmer. Dr. Elder also discussed a letter from Dr. Hindman regarding supervision. Dr. Jefferson advised that she has made contact with the supervisor for Patrick Brown and a meeting will be held, however it will be passed the thirty day timeframe listed in the regulation.

EXPIRED LICENSURE REPORT

There were three expired licenses for the month of August. A motion was made by Dr. Markham to send a certified letter to these licensees advising them that their license has expired and that they must cease practice. The motion, seconded by Dr. Jefferson, carried.

OLD BUSINESS

Retention schedule – Mr. Horton presented the retention policy set by Libraries and Archives. Discussion deferred until January meeting.

Retention of records once a psychologist is deceased – Dr. Miller and Mr. Brengelman will draft a response.

Process of other states regarding posting of disciplinary actions – A discussion was held regarding the process of other states. A motion was made by Ms. Hall to post disciplinary actions as long as they remain current. Once requirements of a Settlement Agreement or Agreed Order are met, the action will be removed from the website. The motion, seconded by [redacted], carried.

NEW BUSINESS

Posting of Cease and Desist affidavits on Board website – A discussion was held and the Board determined that Cease and Desist affidavits will be posted with no expiration date.

Email from Brad Beebe regarding new MFP billing and providers – A discussion was held. Dr. Miller and Mr. Brengelman will draft a response.

Email from Robert Underwood regarding renewal CEUs – A discussion was held. Mr. Brengelman has provided a response to Dr. Underwood.

Email from Jesse Owen regarding follow up and ethics – Dr. Miller and Dr. Markham will hold conference call with Nate ? regarding test data.

Election of officers – Deferred until the January meeting.

2012 Meeting dates – A discussion was held and meeting dates set.

CONFLICTS

Dr. Markham has conflict with Case 11-13 and is recused. She excused herself from the room during discussion of the case. Disclosure of Conflict of Interest Statement has been completed.

SCHEDULE NEXT MEETING

The next Board meeting will be held on January 9, 2012 at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, KY 40601.

TRAVEL AND PER DIEM

A motion was made by Ms. Morton-Page to approve payment of travel expenses and per diem compensation for eligible members attending today's meeting and those Board members that attended the KPA conference. The motion, seconded by Dr. Jefferson, carried.

ADJOURNMENT

A motion made by Dr. Markham to adjourn the meeting at 12:05p.m. The motion, seconded by Dr. Elder, carried.

Thomas W. Miller, Ph.D. ABPP